

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLES BOYD,

Plaintiff,

v.

LAYER CAKE CREATIVE SERVICES,
LLC, et. al.,

Defendants.

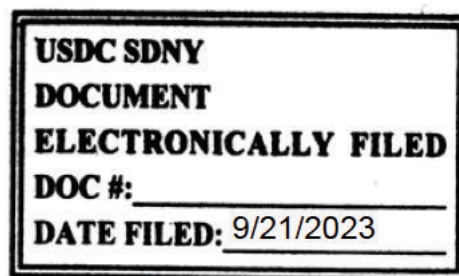
No. 1:23-cv-02330

**Request to Extend time for
Mediation**

September 20, 2023

BY: ECF

Honorable Magistrate Judge Robert W. Lehrburger
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312



Request to Extend the Mediation Timeframe

Dear Judge Lehrburger:

We represent the Parties in the above-captioned action. We have communicated with the assigned Mediator, Mr. Anthony J. Constantini, Esq. concerning a date for the Court-ordered mediation (dkt. # 59). Mr. Constantini was assigned on 8.23.2023.

At that time, the Parties wrote jointly to him to explain that there was already an almost four-year old companion case in New Jersey concerning the same underlying dispute, (Boyd v. Clark, et. al. HUD L-000752-20). This case, and the cause of action of Civil Rico, was brought by Plaintiffs before this Court largely as a result of discovery in that NJ case. Defendants in that case are represented by Mr. Brian Rader, Esq.

We explained to Mr. Constantini that all counsel believe that for this matter to successfully resolve in mediation, Mr. Rader should be present and the issues concerning that case also discussed to ensure a global settlement. All counsel still believe that mediation may be successful.

Mr. Constantini has graciously and prudently agreed to permit Mr. Rader's participation. However, finding a mediation time with three sets of counsel can be a bit like herding cats. Mr. Rader strongly expects to be on trial the week Mr. Constantini

suggested (October 24th-27th). All counsel plan to speak on a conference call to compare calendars and set a date and time. Mr. Constantini is indisposed on vacation with limited communication access until next week.

For these reasons, we seek an extension of the time to set the mediation date, set forth in dkt. #59, for an additional two weeks. This is a first request for an extension of time to set a mediation date.

Respectfully submitted,

/s/ Edward Carlson

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/s/ Michael R. Horenstein

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Attorney for Defendants

Granted.

SO ORDERED:

9/21/2023



HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE